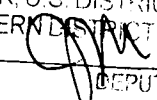


**FILED****JAN 23 2025**CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY CLERK**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
DEL RIO DIVISION****BRENDA SANTOS and NAILEA SANTOS**  
**Plaintiffs,****v.****UNITED STATES OF AMERICA,**  
**Defendant.**§  
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§**Case No. DR: DR-21-CV-58-AM****ORDER**

Before the Court is the Report and Recommendation of the Honorable Collis White, United States Magistrate Judge. (ECF No. 5.) On October 19, 2021, the Court referred all pretrial matters to Judge White under Title 28 U.S.C. § 636. Judge White now recommends a *sua sponte* dismissal of the Complaint for failure to provide proof of service under Rule 4(m) of the Federal Rules of Civil Procedure. No party timely objected. Upon review, the Court **ADOPTS** the Report and Recommendation.

**I. BACKGROUND**

The Plaintiffs filed suit against the United States on United States on October 19, 2021, bringing a claim under the Federal Tort Claims Act. Summonses were issued on October 20, 2021. The Plaintiffs, however, never filed proof of service, and the United States never made an appearance. On October 4, 2022, in accordance with Rule 4(m), the undersigned ordered the Plaintiffs to demonstrate proof of service or provide good cause as to why service had not been affected. (ECF No. 4.) The Plaintiffs were warned that failure to comply would result in a recommendation that the Plaintiffs' case be dismissed without prejudice. The deadline to comply was October 21, 2022, and to do this date, the Plaintiffs have not responded.

## II. STANDARD OF REVIEW

Parties may object to the proposed findings and recommendations of a Magistrate Judge within fourteen days after service of the Report and Recommendation. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). Objections to Judge White's Report and Recommendation were due April 7, 2023. No party filed objections to Judge White's report and recommendation. Thus, the Court need not conduct a *de novo* review of the pending matter. *Douglas v. United Servs. Auto. Ass'n.*, 79 F.3d 1415, 1428 (5th Cir. 1996). Rather, the Court needs only to review the report and recommendation to determine whether it is erroneous or clearly contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

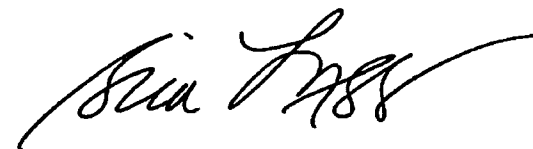
## III. ANALYSIS

Judge White's Report and Recommendation finds that the Plaintiffs failed to provide proof of service in accordance with Rule 4(m). (ECF No. 5). Accordingly, it recommends dismissing the complaint *sua sponte*. The Court has reviewed Judge White's Report and Recommendation and finds neither clear error nor any finding or conclusion contrary to law.

## IV. CONCLUSION

Accordingly, the Court **ADOPTS** Judge White's Report and Recommendation [ECF No. 5] and dismisses the Plaintiffs' complaint *sua sponte*. The Plaintiffs' claims against the United States are **DISMISSED WITHOUT PREJUDICE**. It is further **ORDERED** that the Clerk of Court shall administratively close this cause of action.

SIGNED and ENTERED on this 23rd day of January 2025.



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ALIA MOSES  
Chief United States District Judge